

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TAMARA WILSON, as Administratrix,	)	
of the Estate of JOHNNY HOLLMAN, SR.,	)	
deceased and BETTY MORRIS,	)	
individually, and as the surviving spouse of	)	
JOHNNY HOLLMAN, SR., Decedent,	)	CIVIL ACTION
	)	
Plaintiffs,	)	FILE NO. 1:24-cv-00246-MHC
	)	
CITY OF ATLANTA, GEORGIA, a	)	
municipal corporation of the State of	)	
Georgia, CHIEF DARIN SCHIERBAUM	)	
in his individual capacity and official	)	
capacity, and KIRAN KIMBROUGH	)	
individually,	)	
	)	
Defendants.	)	

**DEFENDANT KIRAN KIMBROUGH’S ANSWER AND DEFENSES**  
**TO PLAINTIFFS’ COMPLAINT FOR DAMAGES**

COMES NOW, Defendant Kiran Kimbrough (“Defendant”), and hereby submits his answer and defenses to Plaintiffs’ Complaint for Damages (“Complaint”), showing the Court as follows:

**FIRST DEFENSE**

Some or all of the Complaint fails to state a claim against this Defendant upon which relief can be granted.

## **SECOND DEFENSE**

Plaintiffs' alleged Section 1983 claims are barred because Plaintiffs have failed to plead same with the specificity required to state a cause of action.

## **THIRD DEFENSE**

The claims and allegations in the Complaint, even if taken as true, do not state a claim for relief under 42 U.S.C. § 1983, as any deprivation alleged therein does not rise to the level of a constitutional tort.

## **FOURTH DEFENSE**

Defendant shows that Plaintiffs were not deprived of any constitutionally-protected rights, nor did Defendant violate the rights of Plaintiffs or Plaintiffs' decedent under any provisions of or amendments to the United States Constitution, any other United States laws, any provisions of or amendments to the Georgia Constitution, or any other Georgia laws.

## **FIFTH DEFENSE**

The alleged injuries and damages sustained by Plaintiffs resulted solely from the voluntary and intentional conduct of Plaintiffs or Plaintiffs' decedent, and not from any conduct of Defendant.

### **SIXTH DEFENSE**

Any force used was justified because Plaintiffs' decedent initiated and exhibited violent behavior so as to be a danger to themselves, Defendant and/or others.

### **SEVENTH DEFENSE**

Defendant did not breach any duty he may have owed to Plaintiffs based upon the allegations contained in the Complaint.

### **EIGHTH DEFENSE**

All applications of force were reasonable under the totality of the circumstances.

### **NINTH DEFENSE**

As to Plaintiffs' federal claim against this Defendant, this Defendant shows that under all of the facts and circumstances, his conduct was discretionary in nature, was not in violation of any clearly established constitutional right of which a reasonable officer would have had fair warning, and was likewise objectively reasonable, thereby entitling him to qualified immunity.

### **TENTH DEFENSE**

Plaintiffs' alleged claims for excessive force are barred because Plaintiffs have failed to allege and cannot show that any actions of this Defendant with regard to Plaintiffs or Plaintiffs' decedent were unreasonable or in bad faith.

### **ELEVENTH DEFENSE**

As to Plaintiffs' state-law claims against this Defendant, sued in his individual capacity, this Defendant shows that all of his alleged actions or inactions with respect to Plaintiffs were carried out in the good faith performance of his official, discretionary duties and without actual malice. Accordingly, this Defendant is entitled to official immunity under Georgia law.

### **TWELFTH DEFENSE**

Defendant asserts any and all affirmative defenses set forth in Rule 8(c)(1) of the Federal Rules of Civil Procedure that are or may hereafter be applicable to this action.

### **THIRTEENTH DEFENSE**

Defendant reserves the right to plead and prove such other defenses as may become known to him during the course of the investigation and discovery.

### **INTRODUCTION**

1.

Defendant denies as pled the allegations contained in Paragraph 1 of Plaintiffs' Complaint.

**PARTIES AND JURISDICTION**

2.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 2 of Plaintiffs' Complaint.

3.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 3 of Plaintiffs' Complaint.

4.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 4 of Plaintiffs' Complaint.

5.

Defendant admits the allegations contained in Paragraph 5 of Plaintiffs' Complaint.

6.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 6 of Plaintiffs' Complaint.

7.

Defendant denies as pled the allegations contained in Paragraph 7 of Plaintiffs' Complaint.

8.

Defendant denies as pled the allegations contained in Paragraph 8 of Plaintiffs' Complaint.

9.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 9 of Plaintiffs' Complaint.

10.

Defendant generally admits the allegations contained in Paragraph 10 of Plaintiffs' Complaint.

11.

Defendant generally admits the allegations contained in Paragraph 11 of Plaintiffs' Complaint.

12.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 12 of Plaintiffs' Complaint.

13.

Defendant generally admits the allegations contained in Paragraph 13 of Plaintiffs' Complaint.

14.

Defendant generally admits the allegations contained in Paragraph 14 of Plaintiffs' Complaint.

### **FACTUAL ALLEGATIONS**

15.

Defendant denies as pled the allegations contained in Paragraph 15 of Plaintiffs' Complaint.

### **THE INCIDENT**

16.

Defendant generally admits the allegations contained in Paragraph 16 of Plaintiffs' Complaint.

17.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 17 of Plaintiffs' Complaint.

18.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 18 of Plaintiffs' Complaint.

19.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 19 of Plaintiffs' Complaint.

20.

Defendant generally admits the allegations contained in Paragraph 20 of Plaintiffs' Complaint.

21.

Defendant generally admits the allegations contained in Paragraph 21 of Plaintiffs' Complaint.

22.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 22 of Plaintiffs' Complaint.



23.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 23 of Plaintiffs' Complaint.

24.

Defendant generally admits the allegations contained in Paragraph 24 of Plaintiffs' Complaint.

25.

Defendant admits the allegations contained in Paragraph 25 of Plaintiffs' Complaint.

26.

Defendant admits he determined Hollman was at fault and issued a citation, but otherwise Defendant denies the remaining allegations contained in Paragraph 26 of Plaintiffs' Complaint.

27.

Defendant admits the allegations contained in Paragraph 27 of Plaintiffs' Complaint.

28.

Defendant denies the allegations contained in Paragraph 28 of Plaintiffs' Complaint.

29.

Defendant denies the allegations contained in Paragraph 29 of Plaintiffs' Complaint.

30.

Defendant admits the allegations contained in Paragraph 30 of Plaintiffs' Complaint.

31.

Defendant generally admits the allegations contained in Paragraph 31 of Plaintiffs' Complaint.

32.

Defendant admits the allegations contained in Paragraph 32 of Plaintiffs' Complaint.

33.

Defendant admits Hollman made the statement alleged in Paragraph 33 of Plaintiffs' Complaint, but otherwise denies the remaining allegations.

34.

Defendant admits at some point Hollman mentioned a supervisor, but denies the remaining allegations contained in Paragraph 34 of Plaintiffs' Complaint.

35.

Defendant admits the allegations contained in Paragraph 35 of Plaintiffs' Complaint.

36.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 36 of Plaintiffs' Complaint.

37.

Defendant generally admits the allegations contained in Paragraph 37 of Plaintiffs' Complaint.

38.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 38 of Plaintiffs' Complaint.

39.

Defendant generally admits the allegations contained in Paragraph 39 of Plaintiffs' Complaint.

40.

Defendant generally admits the allegations contained in Paragraph 40 of Plaintiffs' Complaint.

41.

Defendant denies as pled the allegations contained in Paragraph 41 of Plaintiffs' Complaint.

42.

Defendant denies as pled the allegations contained in Paragraph 42 of Plaintiffs' Complaint.

43.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 43 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

44.

Defendant denies as pled the allegations contained in Paragraph 44 of Plaintiffs' Complaint.

45.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 45 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

46.

Defendant denies as pled the allegations contained in Paragraph 46 of Plaintiffs' Complaint.

47.

Defendant denies as pled the allegations contained in Paragraph 47 of Plaintiffs' Complaint.

48.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 48 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

49.

Defendant denies as pled the allegations contained in Paragraph 49 of Plaintiffs' Complaint.

50.

Defendant admits he deployed a taser in drive stun mode but otherwise denies the allegations contained in Paragraph 50 of Plaintiff's Complaint.

51.

Defendant admits after deploying the taser in drive stun mode he commanded Hollman to put his hands behind his back.

52.

Defendant denies as pled the allegations contained in Paragraph 52 of Plaintiffs' Complaint.

53.

Defendant denies as pled the allegations contained in Paragraph 53 of Plaintiffs' Complaint.

54.

Defendant denies as pled the allegations contained in Paragraph 54 of Plaintiffs' Complaint.

55.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 55 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

56.

Defendant denies as pled the allegations contained in Paragraph 56 of Plaintiffs' Complaint.

57.

Defendant generally admits making a statement similar to the one alleged, but otherwise denies the remaining allegations contained in Paragraph 57 of Plaintiffs' Complaint.

58.

Defendant admits the allegations contained in Paragraph 58 of Plaintiffs' Complaint.

59.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 59 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

60.

Defendant admits he gave Hollman the quoted direction, but otherwise Defendant denies the remaining allegations contained in Paragraph 60 of Plaintiffs' Complaint.

61.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 61 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

62.

Defendant admits he deployed a taser in drive stun mode but otherwise denies the allegations contained in Paragraph 62 of Plaintiff's Complaint.

63.

Defendant denies as pled the allegations contained in Paragraph 63 of Plaintiffs' Complaint.

64.

Defendant generally admits the allegations contained in Paragraph 64 of Plaintiffs' Complaint.

65.

Defendant denies as pled the allegations contained in Paragraph 65 of Plaintiffs' Complaint.

66.

Defendant denies as pled the allegations contained in Paragraph 66 of Plaintiffs' Complaint.

67.

Defendant denies as pled the allegations contained in Paragraph 67 of Plaintiffs' Complaint.

68.

Defendant denies as pled the allegations contained in Paragraph 68 of Plaintiffs' Complaint.

69.

Defendant denies as pled the allegations contained in Paragraph 69 of Plaintiffs' Complaint.



70.

Defendant denies as pled the allegations contained in Paragraph 70 of Plaintiffs' Complaint.

71.

Defendant denies as pled the allegations contained in Paragraph 71 of Plaintiffs' Complaint.

72.

Defendant denies as pled the allegations contained in Paragraph 72 of Plaintiffs' Complaint.

73.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 73 of Plaintiffs' Complaint, but the body worn camera ("BWC") speaks for itself.

74.

Defendant denies as pled the allegations contained in Paragraph 74 of Plaintiffs' Complaint.

75.

Defendant denies as pled the allegations contained in Paragraph 75 of Plaintiffs' Complaint.

76.

Defendant denies as pled the allegations contained in Paragraph 76 of Plaintiffs' Complaint.

77.

Defendant denies as pled the allegations contained in Paragraph 77 of Plaintiffs' Complaint.

78.

Defendant denies as pled the allegations contained in Paragraph 78 of Plaintiffs' Complaint.

79.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 79 of Plaintiffs' Complaint.

80.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 80 of Plaintiffs' Complaint.

81.

Defendant generally admits the allegations contained in Paragraph 81 of Plaintiffs' Complaint.

82.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 82 of Plaintiffs' Complaint.

83.

Defendant denies as pled the allegations contained in Paragraph 83 of Plaintiffs' Complaint.

84.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 84 of Plaintiffs' Complaint.

85.

The medical examiner's report speaks for itself, but otherwise Defendant denies as pled the remaining allegations contained in Paragraph 85 of Plaintiffs' Complaint.

86.

The medical examiner's report speaks for itself.

87.

Defendant generally admits the allegations contained in Paragraph 87 of Plaintiffs' Complaint.

88.

Defendant generally admits the allegations contained in Paragraph 88 of Plaintiffs' Complaint.

**MAYOR ANDRE DICKENS WEIGHS IN**

89.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 89 of Plaintiffs' Complaint.

90.

Defendant denies as pled the allegations contained in Paragraph 90 of Plaintiffs' Complaint.

91.

Defendant denies the allegations contained in Paragraph 91 of Plaintiffs' Complaint.

92.

Defendant denies the allegations contained in Paragraph 92 of Plaintiffs' Complaint.

93.

Defendant denies as pled the allegations contained in Paragraph 93 of Plaintiffs' Complaint.

**DEACON HOLLMAN SHOULD NEVER HAVE BEEN TASED**

94.

Defendant denies the allegations contained in Paragraph 94 of Plaintiffs' Complaint.

95.

Defendant generally admits the allegations contained in Paragraph 95 of Plaintiffs' Complaint.

96.

Defendant denies as pled the allegations contained in Paragraph 96 of Plaintiffs' Complaint.

97.

Defendant denies the allegations contained in Paragraph 97 of Plaintiffs' Complaint.

98.

Defendant denies as pled the allegations contained in Paragraph 98 of Plaintiffs' Complaint.

99.

Defendant denies the allegations contained in Paragraph 99 of Plaintiffs' Complaint.

100.

Defendant denies as pled the allegations contained in Paragraph 100 of Plaintiffs' Complaint.

101.

Defendant generally admits the allegations contained in Paragraph 101 of Plaintiffs' Complaint.

102.

Defendant denies the allegations contained in Paragraph 102 of Plaintiffs' Complaint.

103.

Defendant denies as pled the allegations contained in Paragraph 103 of Plaintiffs' Complaint.

**THE FORCE USED AGAINST DEACON HOLLMAN WAS EXCESSIVE**  
**AND CAUSED OR CONTRIBUTED TO HIS DEATH**

104.

Defendant generally admits Paragraph 104 alleges a correct statement of the law, but denies a violation occurred.

105.

Defendant generally admits Paragraph 105 alleges a correct statement of the law, but denies a violation occurred.

106.

Defendant generally admits Paragraph 106 alleges a correct statement of the law, but denies a violation occurred.

107.

Defendant generally admits Paragraph 107 alleges a correct statement of the law, but denies a violation occurred.

108.

Defendant generally admits Paragraph 108 alleges a correct statement of the law, but denies a violation occurred.

109.

Defendant generally admits Paragraph 109 alleges a correct statement of the law, but denies a violation occurred.

110.

Defendant denies the allegations contained in Paragraph 110 of Plaintiffs' Complaint.

111.

Defendant denies the allegations contained in Paragraph 111 of Plaintiffs' Complaint.

112.

Defendant denies the allegations contained in Paragraph 112 of Plaintiffs' Complaint.

113.

Defendant denies the allegations contained in Paragraph 113 of Plaintiffs' Complaint.

114.

Defendant denies as pled the allegations contained in Paragraph 114 of Plaintiffs' Complaint.

115.

Defendant denies as pled the allegations contained in Paragraph 115 of Plaintiffs' Complaint.

116.

Defendant denies the allegations contained in Paragraph 116 of Plaintiffs' Complaint.

117.

Defendant denies the allegations contained in Paragraph 117 of Plaintiffs' Complaint.



118.

Defendant denies as pled the allegations contained in Paragraph 118 of Plaintiffs' Complaint.

119.

Defendant denies the allegations contained in Paragraph 119 of Plaintiffs' Complaint.

120.

Defendant denies the allegations contained in Paragraph 120 of Plaintiffs' Complaint.

121.

Defendant denies the allegations contained in Paragraph 121 of Plaintiffs' Complaint.

122.

Defendant denies the allegations contained in Paragraph 122 of Plaintiffs' Complaint.

123.

Defendant denies as pled the allegations contained in Paragraph 123 of Plaintiffs' Complaint.

124.

Defendant denies as pled the allegations contained in Paragraph 124 of Plaintiffs' Complaint.

125.

Defendant denies as pled the allegations contained in Paragraph 125 of Plaintiffs' Complaint.

126.

Defendant admits the quoted provision appears in policy but otherwise Defendant denies as pled the remaining allegations in Paragraph 126 of Plaintiffs' Complaint.

127.

Defendant denies the allegations contained in Paragraph 127 of Plaintiffs' Complaint.

128.

Defendant denies as pled the allegations contained in Paragraph 128 of Plaintiffs' Complaint.

129.

Defendant denies the allegations contained in Paragraph 129 of Plaintiffs' Complaint.

130.

Defendant admits the allegations contained in Paragraph 130 of Plaintiffs' Complaint.

131.

Defendant denies as pled the allegations contained in Paragraph 131 of Plaintiffs' Complaint.

132.

Defendant denies the allegations contained in Paragraph 132 of Plaintiffs' Complaint.

133.

Defendant denies as pled the allegations contained in Paragraph 133 of Plaintiffs' Complaint.

134.

Defendant denies as pled the allegations contained in Paragraph 134 of Plaintiffs' Complaint.

135.

Defendant denies as pled the allegations contained in Paragraph 135 of Plaintiffs' Complaint.

136.

Defendant denies the allegations contained in Paragraph 136 of Plaintiffs' Complaint.

137.

Defendant denies the allegations contained in Paragraph 137 of Plaintiffs' Complaint.

**COUNT I**

**The City of Atlanta is Liable for Defendant Kimbrough's Neglect to Perform or Improper Performance of Ministerial Duties**

138.

Defendant denies as pled the allegations contained in Paragraph 138 of Plaintiffs' Complaint.

139.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 139 of Plaintiffs' Complaint.

140.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 140 of Plaintiffs' Complaint.

141.

Defendant denies the allegations contained in Paragraph 141 of Plaintiffs' Complaint.

142.

Defendant denies the allegations contained in Paragraph 142 of Plaintiffs' Complaint.

143.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 143 of Plaintiffs' Complaint.

144.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 144 of Plaintiffs' Complaint.

145.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 145 of Plaintiffs' Complaint.

146.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 146 of Plaintiffs' Complaint.

147.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 147 of Plaintiffs' Complaint.

148.

Defendant denies as pled the allegations contained in Paragraph 148 of Plaintiffs' Complaint.

149.

Defendant denies the allegations contained in Paragraph 149 of Plaintiffs' Complaint.

150.

Defendant denies as pled the allegations contained in Paragraph 150 of Plaintiffs' Complaint.

151.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 151 of Plaintiffs' Complaint.

152.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 152 of Plaintiffs' Complaint.

153.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 153 of Plaintiffs' Complaint.

154.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 154 of Plaintiffs' Complaint.

155.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 155 of Plaintiffs' Complaint.

156.

Defendant generally admits that at some point Hollman mentioned a supervisor, but otherwise Defendant denies the allegations contained in Paragraph 156 of Plaintiffs' Complaint.

157.

Defendant denies the allegations contained in Paragraph 157 of Plaintiffs' Complaint.

158.

Defendant denies the allegations contained in Paragraph 158 of Plaintiffs' Complaint.

159.

Defendant denies the allegations contained in Paragraph 159 of Plaintiffs' Complaint.

160.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 160 of Plaintiffs' Complaint.

161.



Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 161 of Plaintiffs' Complaint.

162.

Defendant denies as pled the allegations contained in Paragraph 162 of Plaintiffs' Complaint.

163.

Defendant denies the allegations contained in Paragraph 163 of Plaintiffs' Complaint.

164.

Defendant denies the allegations contained in Paragraph 164 of Plaintiffs' Complaint.

165.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 165 of Plaintiffs' Complaint.

166.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 166 of Plaintiffs' Complaint.

167.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 167 of Plaintiffs' Complaint.

168.

Defendant generally admits the allegations contained in Paragraph 168 of Plaintiffs' Complaint.

169.

Defendant admits the statement was made but otherwise denies the remaining allegations contained in Paragraph 169 of Plaintiffs' Complaint.

170.

Defendant denies the allegations contained in Paragraph 170 of Plaintiffs' Complaint.

171.

Defendant denies the allegations contained in Paragraph 171 of Plaintiffs' Complaint.

172.

Defendant denies the allegations contained in Paragraph 172 of Plaintiffs' Complaint.

173.

Defendant denies the allegations contained in Paragraph 173 of Plaintiffs' Complaint.

174.

Defendant denies the allegations contained in Paragraph 174 of Plaintiffs' Complaint.

175.

Defendant denies the allegations contained in Paragraph 175 of Plaintiffs' Complaint.

176.

Defendant denies the allegations contained in Paragraph 176 of Plaintiffs' Complaint.

177.

Defendant denies the allegations contained in Paragraph 177 of Plaintiffs' Complaint.

178.

Defendant denies the allegations contained in Paragraph 178 of Plaintiffs' Complaint.

**COUNT II**  
**Plaintiffs' Fourth Amendment Excessive Force Claims against**  
**Defendant Kimbrough**

179.

Defendant denies the allegations contained in Paragraph 179 of Plaintiffs' Complaint.

180.

Defendant denies the allegations contained in Paragraph 180 of Plaintiffs' Complaint.

181.

Defendant denies the allegations contained in Paragraph 181 of Plaintiffs' Complaint.

182.

Defendant denies the allegations contained in Paragraph 182 of Plaintiffs' Complaint.

183.

Defendant denies the allegations contained in Paragraph 183 of Plaintiffs' Complaint.

### **COUNT III**

#### **First Amendment Retaliation Claims against Defendant Kimbrough**

184.

Defendant denies the allegations contained in Paragraph 184 of Plaintiffs' Complaint.

185.

Defendant denies as pled the allegations contained in Paragraph 185 of Plaintiffs' Complaint.

186.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 186 of Plaintiffs' Complaint.

187.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 187 of Plaintiffs' Complaint.

188.

Defendant admits the quoted language appears in the SOP, but otherwise Defendant denies as pled the allegations contained in Paragraph 188 of Plaintiffs' Complaint.

189.

Defendant denies as pled the allegations contained in Paragraph 189 of Plaintiffs' Complaint.

190.

Defendant denies the allegations contained in Paragraph 190 of Plaintiffs' Complaint.

191.

Defendant denies the allegations contained in Paragraph 191 of Plaintiffs' Complaint.

192.

Defendant denies the allegations contained in Paragraph 192 of Plaintiffs' Complaint.

193.

Defendant denies the allegations contained in Paragraph 193 of Plaintiffs' Complaint.

194.

Defendant denies the allegations contained in Paragraph 194 of Plaintiffs' Complaint.

195.

Defendant denies the allegations contained in Paragraph 195 of Plaintiffs' Complaint.

196.

Defendant denies the allegations contained in Paragraph 196 of Plaintiffs' Complaint.

197.

Defendant denies the allegations contained in Paragraph 197 of Plaintiffs' Complaint.

198.

Defendant denies the allegations contained in Paragraph 198 of Plaintiffs' Complaint.

199.

Defendant denies the allegations contained in Paragraph 199 of Plaintiffs' Complaint.

200.

Defendant denies the allegations contained in Paragraph 200 of Plaintiffs' Complaint.

201.

Defendant denies the allegations contained in Paragraph 201 of Plaintiffs' Complaint.

202.

Defendant denies the allegations contained in Paragraph 202 of Plaintiffs' Complaint.

203.

Defendant denies the allegations contained in Paragraph 203 of Plaintiffs' Complaint.

204.

Defendant denies the allegations contained in Paragraph 204 of Plaintiffs' Complaint.

205.

Defendant denies the allegations contained in Paragraph 205 of Plaintiffs' Complaint.

206.

Defendant denies the allegations contained in Paragraph 206 of Plaintiffs' Complaint.

**COUNT IV**  
**§ 1983 Claims against City of Atlanta for its**  
**Unconstitutional Official Arrest Policy**

207.

Defendant admits the language of the statute as alleged in Paragraph 207 of Plaintiffs' Complaint.



208.

Defendant admits police officers were authorized to arrest for refusal to sign traffic citation, but otherwise denies the allegations contained in Paragraph 208 of Plaintiffs' Complaint.

209.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 209 of Plaintiffs' Complaint.

210.

Defendant denies as pled the allegations contained in Paragraph 210 of Plaintiffs' Complaint.

211.

Defendant denies as pled the allegations contained in Paragraph 211 of Plaintiffs' Complaint.

212.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 212 of Plaintiffs' Complaint.

213.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 213 of Plaintiffs' Complaint.

214.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 214 of Plaintiffs' Complaint.

215.

Defendant denies as pled the allegations contained in Paragraph 215 of Plaintiffs' Complaint.

216.

Defendant denies as pled the allegations contained in Paragraph 216 of Plaintiffs' Complaint.

217.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 217 of Plaintiffs' Complaint.

218.

Defendant denies as pled the allegations contained in Paragraph 218 of Plaintiff's Complaint. The statute speaks for itself.

219.

Defendant denies as pled the allegations contained in Paragraph 219 of Plaintiffs' Complaint.

220.

Defendant denies as pled the allegations contained in Paragraph 220 of Plaintiffs' Complaint.

221.

Defendant denies as pled the allegations contained in Paragraph 221 of Plaintiffs' Complaint.

222.

Defendant denies as pled the allegations contained in Paragraph 222 of Plaintiffs' Complaint.

223.

Defendant denies the allegations contained in Paragraph 223 of Plaintiffs' Complaint.

224.

Defendant denies the allegations contained in Paragraph 224 of Plaintiffs' Complaint.

225.

Defendant denies the allegations contained in Paragraph 225 of Plaintiffs' Complaint.

226.

Defendant denies the allegations contained in Paragraph 226 of Plaintiffs' Complaint.

227.

Defendant denies the allegations contained in Paragraph 227 of Plaintiffs' Complaint.

228.

Defendant denies the allegations contained in Paragraph 228 of Plaintiffs' Complaint.

#### **COUNT V**

#### **§ 1983 Claims against Defendant City of Atlanta for Unofficial Policy of Deliberate Indifference to Widespread Pattern and Practice of Excessive Force and Inadequate UOF Investigations**

229.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 229 of Plaintiffs' Complaint.

230.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 230 of Plaintiffs' Complaint.

231.

Defendant denies as pled the allegations contained in Paragraph 231 of Plaintiffs' Complaint.

232.

Defendant denies as pled the allegations contained in Paragraph 232 of Plaintiffs' Complaint.

233.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 233 of Plaintiffs' Complaint.

234.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 234 of Plaintiffs' Complaint.

235.

Defendant denies as pled the allegations contained in Paragraph 235 of Plaintiffs' Complaint.

236.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 236 of Plaintiffs' Complaint.

237.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 237 of Plaintiffs' Complaint.

238.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 238 of Plaintiffs' Complaint.

239.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 239 of Plaintiffs' Complaint.

240.

Defendant denies as pled the allegations contained in Paragraph 240 of Plaintiffs' Complaint.

241.

Defendant denies as pled the allegations contained in Paragraph 241 of Plaintiffs' Complaint.

242.

Defendant denies as pled the allegations contained in Paragraph 242 of Plaintiffs' Complaint.

243.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 243 of Plaintiffs' Complaint.

244.

Defendant denies as pled the allegations contained in Paragraph 244 of Plaintiffs' Complaint.

245.

Defendant generally admits the allegations contained in Paragraph 245 of Plaintiffs' Complaint.

246.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 246 of Plaintiffs' Complaint.

247.

Defendant denies as pled the allegations contained in Paragraph 247 of Plaintiffs' Complaint.

248.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 248 of Plaintiffs' Complaint.

249.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 249 of Plaintiffs' Complaint.



250.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 250 of Plaintiffs' Complaint.

251.

Defendant denies as pled the allegations contained in Paragraph 251 of Plaintiffs' Complaint.

252.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 252 of Plaintiffs' Complaint.

253.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 253 of Plaintiffs' Complaint.

254.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 254 of Plaintiffs' Complaint.

255.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 255 of Plaintiffs' Complaint.

256.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 256 of Plaintiffs' Complaint.

257.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 257 of Plaintiffs' Complaint.

258.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 258 of Plaintiffs' Complaint.

259.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 259 of Plaintiffs' Complaint.

260.

Defendant denies as pled the allegations contained in Paragraph 260 of Plaintiffs' Complaint.

261.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 261 of Plaintiffs' Complaint.

262.

Defendant denies as pled the allegations contained in Paragraph 262 of Plaintiffs' Complaint.

263.

Defendant denies the allegations contained in Paragraph 263 of Plaintiffs' Complaint.

264.

Defendant denies as pled the allegations contained in Paragraph 264 of Plaintiffs' Complaint.

265.

Defendant denies as pled the allegations contained in Paragraph 265 of Plaintiffs' Complaint.

266.

Defendant denies the allegations contained in Paragraph 266 of Plaintiffs' Complaint.

**COUNT VI**  
**Deliberate Indifference Under 42 U.S.C. § 1983**  
**Against Defendants – Failure to Provide Medical Care**

267.

Defendant denies as pled the allegations contained in Paragraph 267 of Plaintiffs' Complaint.

268.

Defendant denies as pled the allegations contained in Paragraph 268 of Plaintiffs' Complaint.

269.

Defendant denies as pled the allegations contained in Paragraph 269 of Plaintiffs' Complaint.

270.

Defendant denies the allegations contained in Paragraph 270 of Plaintiffs' Complaint.

271.

Defendant denies the allegations contained in Paragraph 271 of Plaintiffs' Complaint.

272.

Defendant denies the allegations contained in Paragraph 272 of Plaintiffs' Complaint.

273.

Defendant is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in Paragraph 273 of Plaintiffs' Complaint.

274.

Defendant denies the allegations contained in Paragraph 274 of Plaintiffs' Complaint.

275.

Defendant denies the allegations contained in Paragraph 275 of Plaintiffs' Complaint.

276.

Defendant denies the allegations contained in Paragraph 276 of Plaintiffs' Complaint.

277.

Defendant denies the allegations contained in Paragraph 277 of Plaintiffs' Complaint.

**COUNT VII**  
**Wrongful Death of Deacon Hollman Against All Defendants**

278.

Defendant denies the allegations contained in Paragraph 278 of Plaintiffs' Complaint.

**COUNT VIII**  
**Estate Claims of Deacon Hollman Against All Defendants**

279.

Defendant denies the allegations contained in Paragraph 279 of Plaintiffs' Complaint.

**COUNT IX**  
**State Law Claims for Assault and Battery against**  
**Defendants Kimbrough**

280.

Defendant denies the allegations contained in Paragraph 280 of Plaintiffs' Complaint.

281.

Defendant denies the allegations contained in Paragraph 281 of Plaintiffs' Complaint.

282.

Defendant denies as pled the allegations contained in Paragraph 282 of Plaintiffs' Complaint.

283.

Defendant denies the allegations contained in Paragraph 283 of Plaintiffs' Complaint.

284.

Defendant denies the allegations contained in Paragraph 284 of Plaintiffs' Complaint.

**COUNT X**  
**State Law Claims for False Imprisonment and/or False Arrest against**  
**Defendants Kimbrough**

285.

Defendant denies the allegations contained in Paragraph 285 of Plaintiffs' Complaint.

286.

Defendant denies the allegations contained in Paragraph 286 of Plaintiffs' Complaint.

287.

Defendant denies the allegations contained in Paragraph 287 of Plaintiffs' Complaint.

**COUNT XI**  
**Punitive Damages against the Individual Defendants**

288.

In response to Paragraph 288 of Plaintiffs' Complaint, Defendant hereby incorporates his Answers and Defenses as set forth in Paragraphs 1 through 287 as if fully set forth herein.

289.

Defendant denies the allegations contained in Paragraph 289 of Plaintiffs' Complaint.

290.

Defendant denies the allegations contained in Paragraph 290 of Plaintiffs' Complaint.

291.

Defendant denies the allegations contained in Paragraph 291 of Plaintiffs' Complaint.

**COUNT XII**  
**Attorney's Fees**

292.

In response to Paragraph 292 of Plaintiffs' Complaint, Defendant hereby incorporates his Answers and Defenses as set forth in Paragraphs 1 through 291 as if fully set forth herein.



293.

Defendant denies the allegations contained in Paragraph 293 of Plaintiffs' Complaint.

294.

In further response to Plaintiffs' Complaint, Defendant denies each and every claim or allegation not previously responded to herein. Further, Defendant denies that Plaintiffs are entitled to any of the relief set forth in their ad damnum clause to include Paragraphs (a) through (h).

WHEREFORE, having fully listed Defendant's defenses and having fully answered Plaintiffs' Complaint, Defendant prays as follows:

(a) That judgment be entered in favor of Defendant and against Plaintiffs on the Complaint;

(b) That the costs of this action, including attorney fees, be cast against Plaintiffs; and

(c) That the Court grant such other and further relief as it may deem just and proper.

Respectfully this 23<sup>rd</sup> day of April, 2024.

CAROTHERS & MITCHELL, LLC

*/s/ Thomas M. Mitchell*

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Thomas M. Mitchell  
Georgia Bar No. 513597  
Attorney for Defendant Kiran Kimbrough

1809 Buford Highway  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TAMARA WILSON, as Administratrix,	)	
of the Estate of JOHNNY HOLLMAN, SR.,	)	
deceased and BETTY MORRIS,	)	
individually, and as the surviving spouse of	)	
JOHNNY HOLLMAN, SR., Decedent	)	CIVIL ACTION
	)	
Plaintiffs,	)	FILE NO. 1:24-cv-00246-MHC
	)	
CITY OF ATLANTA, GEORGIA, a	)	
municipal corporation of the State of	)	
Georgia, CHIEF DARIN SCHIERBAUM	)	
in his individual capacity and official	)	
capacity, and KIRAN KIMBROUGH	)	
individually,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing  
**DEFENDANT KIRAN KIMBROUGH'S ANSWER AND AFFIRMATIVE  
DEFENSES** to the Clerk of Court using the CM/ECF system which will  
automatically send electronic mail notification of such filing to the following  
counsel of record:

Harold W. Spence  
Mawuli M. Davis  
Davis Bozeman Law Firm, P.C.  
Trinity Office Park, Suite 332  
4153-C Flat Shoals Parkway  
Decatur, GA 30034  
404-349-4229

R. David Ware  
Hall Booth & Smith  
191 Peachtree Street, Suite 2900  
Atlanta, GA 30303  
404-586-6619  
*Attorney for Defendants City of Atlanta  
and Chief Darin Shierbaum*

*Attorneys for Plaintiff*  
[hspence@davisbozemanlaw.com](mailto:hspence@davisbozemanlaw.com)

[dware@hallboothsmith.com](mailto:dware@hallboothsmith.com)

I further certify pursuant to L.R. 7.1D that the above-titled document complies with L.R. 5.1B and was prepared using a 14-point Times New Roman font.

This 23<sup>rd</sup> day of April, 2024.

CAROTHERS & MITCHELL, LLC

*/s/ Thomas M. Mitchell*

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THOMAS M. MITCHELL  
Georgia Bar No. 513597  
Attorney for Defendant Kiran Kimbrough

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